

**Minutes of Special and Regular Meeting of January 12, 2016**  
**City Hall, One Twin Pines Lane, Belmont, California**

**SPECIAL MEETING 6:30 p.m.**

**A. CLOSED SESSION**

- (1) Conference With Legal Counsel (Govt Code Section 54956.9(d)(1))  
Existing Litigation, One Case. Name of case: Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248
- (2) Conference With Real Property Negotiators (Govt Code Section 54956.8)  
Property: 1300 El Camino Real, 1365 Fifth Avenue, and 875 O'Neill Avenue in the City of Belmont, APN 045-244-010, 045-244-150, and 045-244-160  
Agency negotiators: Greg Scoles, Scott Rennie  
Negotiating parties: City of Belmont and Belmont Firehouse Square, LLC  
Under negotiation: Price and terms of payment for sale of City property

Attended by: Councilmembers Stone, Hurt, Kim, Reed. Councilmember Lieberman was absent.

**RECESS** at this time, being 6:55 p.m.

Terri Cook  
City Clerk

**REGULAR MEETING**  
**CALL TO ORDER 7:00 P.M.**

**ROLL CALL**

Councilmembers Present: Hurt, Stone, Kim, Reed  
Councilmembers Absent: Lieberman

**PLEDGE OF ALLEGIANCE**

Led by Mayor Reed

**REPORT FROM CLOSED SESSION**

City Attorney Rennie noted that the City Council would reconvene the Closed Session following the Regular Meeting.

**SPECIAL PRESENTATIONS**

**Police and Fire Promotions and Oaths of Office**

Police Chief DeSmidt outlined the promotions in the Police Department, as follows:

Corporal Chad Fisher  
Evan Branch  
Sergeant Clyde Hussey  
Sergeant Scott Fegley

Battalion Chief Kent Thrasher introduced new Firefighters Chris Milano, Bryson Drake, and Michael Lipetri.

City Clerk Cook administered the Oath of Office, and family members pinned badges.

**RECESS: 7:15 P.M.**  
**RECONVENE 7:25 P.M.**

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

**Birgit Merian**, Belmont resident, commented regarding zoning changes and their relationship to the definition of public street. She expressed concern regarding development standards on private streets.

**Perry Kennan**, Belmont resident, suggested adding signage at Waterdog Lake relative to the presence of ticks.

### **COUNCILMEMBER ANNOUNCEMENTS**

Councilmember Kim congratulated the Planning Commission on its recent election of new officers. He announced upcoming monthly office hours he would be holding.

Councilmember Hurt spoke regarding a Kaiser educational workshop she recently attended at Fox School. She announced that she has begun a listening campaign to hear residential priorities.

Councilmember Stone noted that he would also be having office hours. He spoke regarding Law Enforcement Appreciation Day, and announced an upcoming Carlmont High School and Notre Dame High School Basketball Battle of Belmont.

Mayor Reed announced the current city Commission recruitment. He also outlined upcoming events in honor of Martin Luther King Day.

### **AGENDA AMENDMENTS**

Councilmember Davina requested removal of the Minutes of the Joint Meeting of December 15, 2015 from the agenda for potential revision to include more detail of her comments at that meeting.

### **COMMENTS REGARDING CONSENT CALENDAR**

Councilmember Stone commented regarding several items on the Consent Agenda related to Ralston and Old County Road improvements. He recognized staff's efforts on pedestrian and bicycle safety in those areas.

### **ITEMS APPROVED ON CONSENT CALENDAR**

Resolution 2015-001 authorizing the City Manager to execute the Program Supplement Agreement with the California Department of Transportation and all other documents necessary for the implementation of the Old County Road Pedestrian and Bicycle Improvement Project

Resolution 2015-002 authorizing a task order with Ghirardelli Associates for Construction Management and Inspection Services for the Ralston Avenue Pedestrian Improvement Project in amount of \$61,315 and a 10% contingency

Resolution 2015-003 authorizing a task order with Ghirardelli Associates for Construction

Management and Inspection Services for the Old County Road Pedestrian and Bicycle Improvement Project in amount of \$61,315 and a 10% contingency  
Resolution 2015-004 accepting work and authorizing the issuance of a Notice of Completion for the Cottage Door Casements Project, City Contract Number 2015-539 for a final contract cost of \$3,380  
Approval of Minutes of Regular City Council Meeting of December 8, 2015, Regular Belmont Fire Protection District Meeting of December 8, 2015  
Resolution 2015-005 authorizing the City Manager to execute an Amendment Number 3 to the existing Agreement for design, construction specifications and assistance with bidding for Davey Glen Park project with Brent Cottong and Associates Landscape Architecture in an amount not to exceed \$19,600

**ACTION:** On a motion by Councilmember Stone, seconded by Councilmember Hurt, the Consent Agenda was unanimously approved, as amended (4-0, Councilmember Lieberman absent).

## **OTHER BUSINESS**

### **Revision to User Fees, Rates and Service Charges**

Finance Director Fil noted that the City Council held the formal public hearing on this matter in November. He explained that the goal of fees and service charges is to recover 100 percent of costs. He noted that the City Council has received a comprehensive revision to fee schedule, and some fees have been reduced, some have increased, and some are staying the same. He outlined the fees that were of concern to the council at the previous hearing, which included appeal fees and development review fees. He recommended that tree fees be modified following any changes to the tree ordinance.

Finance Director Fil explained that the proposed fees are based on current standards and procedures. He clarified that this year's budget adoption assumed certain fee increases, and that any proposed changes to procedures could be incorporated in the new budget cycle. He suggested adopting the new fees as proposed and modifying in the future if needed. In response to Council questions, he further explained that there are many differences when comparing fees to other cities. He pointed out that Belmont is primarily a residential community.

Discussion ensued regarding appeal fees and the process used to analyze a design review application.

**Chris Fisher**, Consultant, described the methodology used, including fee comparisons with other cities.

Chief Building Official Nolfi explained building valuation fees and outlined State mandates that result in additional fees.

**Tim Strinden**, Belmont resident, recommended that the proposed fees not be adopted. He commented regarding the methodology used to develop the proposed fees. He noted that the majority of fees are higher in Belmont than other cities.

**Perry Kennan**, Belmont resident, commented on comparisons with other cities, including the number of productive hours used.

**Birgit Mirian**, Belmont resident, commented regarding Planning Commission appeal fees.

Councilmember Stone pointed out that substantial projects are forthcoming that will bring new revenue to the City. He expressed support for not raising certain fees at this time.

Discussion ensued regarding the process to use for adopting a new fee schedule. Council concurred to remove development fees from the proposed schedule for a future study session.

Council concurred to increase the appeal of administrative planning decisions from \$100 to \$200, and to maintain the appeal of Planning Commission decisions to City Council at \$950. It also concurred to set the fee for change of name, address or duplicate business license at \$20. Council also concurred to accept proposed fees for police and associated fines.

Discussion ensued regarding the General Plan Maintenance Fee. Council concurred to leave the fee at .25 percent of valuation.

Council expressed support for proposed fee changes for Engineering and Parks and Recreation.

Council concurred with the 100 percent cost recovery policy for Fire permit review fees with the exception of special events, which it recommended leaving at \$100.

Mayor Reed noted that once development standards and procedures are revised, many fees will likely be reduced.

Councilmember Stone explained that he does not support raising the Belmont Fire Protection District fees as proposed.

**ACTION:** On a motion by Councilmember Stone, seconded by Councilmember Kim, Resolution 2015-006 making amendments to the Master Revenue Schedule and Establishing new and/or increased service fees was unanimously approved, as amended (4-0, Councilmember Lieberman absent), with the removal of Development Review Fees.

**RECESS: 10:10 P.M.**  
**RECONVENE: 10:17 P.M.**

### **Smoking Regulations for Electronic Cigarettes**

Chief DeSmidt explained that the proposed modification to the existing smoking ordinance is to include e-cigarettes in its definition.

**Shaunda Scruggs**, County of San Mateo, noted that other cities are modifying ordinances in a similar fashion. She explained that e-cigarettes are not regulated by state or federal law, their use by youth has been increasing, without any enforcement tools.

Discussion ensued regarding tobacco retail permitting systems, which is not currently in place in Belmont.

City Attorney Rennie clarified that the ordinance proposes to regulate e-cigarette use in the same manner as tobacco products in the existing ordinance. He noted the issue of the byproduct of the combustibles contained within the device.

**MEETING EXTENSION:** at this time, being 10:30 P.M., on a motion by Councilmember Stone, seconded by Councilmember Hurt, the meeting was unanimously extended (4-0, Lieberman absent).

**Krikor Jekelian**, Belmont business owner (Vapor Bar), expressed concern regarding the inclusion of e-cigarettes within the definitions as outlined in the proposed ordinance. He noted that e-cigarettes do not produce smoke when exhaled. He stated that his business is helping people to quit smoking tobacco products.

**Hani Tannous**, Belmont business owner (Vapor Bar), noted that there is no evidence that there are any harmful effects from the vapor from e-cigarettes.

Councilmembers commented that the proposed ordinance will not regulate or restrict vape shops and keeps the regulations within spirit of original ordinance. They also noted that e-cigarettes are currently unregulated.

City Attorney Rennie read the title of the proposed ordinance.

**ACTION:** On a motion by Councilmember Stone, seconded by Councilmember Hurt, and unanimously approved (4-0, Lieberman absent) to introduce an ordinance updating and amending smoking regulations in Belmont City Code Chapter 20.5 to include electronic smoking devices (electronic cigarettes), to waive further reading, and to set the second reading and adoption for January 26, 2016.

**FY 2016 Council Priority Update, Efficiency and Effectiveness Measures, and Contingency Allocation**

City Manager Scoles provided an update on progress on existing priorities. He described proposed staffing changes and outlined proposals for the 2016 contingency allocation.

Council concurred to hold discussion regarding contingency spending for its upcoming priority session and expressed support for the proposed staffing changes.

**Perry Kennan**, Belmont resident, suggested that infrastructure issues be broken down into separate components. He noted that more should be spent on roads each year.

**MEETING EXTENSION:** at this time, being 11:00 P.M., on a motion by Councilmember Stone, seconded by Councilmember Kim, the meeting was unanimously extended (4-0, Lieberman absent).

**ACTION:** On a motion by Councilmember Hurt, seconded by Councilmember Stone, and unanimously approved (4-0, Lieberman absent) to authorize the City Manager to implement the recommended organizational changes and include a change to the permanent staffing plan for adoption at the Mid-Year Review, approve the allocation of contingency funds and direct an amendment to the FY 2016 Budget for adoption at the Mid-Year Review.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

No report.

### **Verbal report from City Manager**

City Manager Scoles commented regarding potential changes to the shared fire services with San Mateo and Foster City. He also noted that the City Council would be holding a priority setting meeting.

### **Intergovernmental Assignments for 2016**

The City Council made changes to their intergovernmental assignments for 2016 and recommended bringing the new list back at the next City Council meeting for review and modification if necessary.

**ADJOURNMENT** at this time, being 11:20 p.m., to continued closed session to consider:

#### **A. CLOSED SESSION**

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**ADJOURNMENT** at this time, being 11:40 p.m.

Terri Cook  
City Clerk